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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

| | | |
|------------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 2:14-CV-952-APG-(GWF) |
| |) | |
| \$50,556.65 IN UNITED STATES |) | |
| CURRENCY, |) | |
| |) | |
| Defendant. |) | |

**THE UNITED STATES OF AMERICA'S UNOPPOSED EX PARTE APPLICATION TO
 EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM OF THE
 \$50,556.65 IN UNITED STATES CURRENCY AND ORDER
 (Third Request)**

The United States of America respectfully applies for an extension of time to and including January 8, 2016, for the United States to file a Civil Complaint For Forfeiture In Rem of the \$50,556.65 in United States Currency pursuant to 18 U.S.C. § 983(a)(3)(A) and LR 6. The Civil Complaint For Forfeiture In Rem of the \$50,556.65 in United States Currency is due July 8, 2015.

The grounds for this application are (1) the government is pursuing criminal prosecution against James Jariv, and (2) counsel for James Jariv agreed to the extension of time. James Jariv has pled guilty

1 in his criminal case. His sentencing is currently scheduled for August 5, 2015. Once James Jariv is
2 sentenced in his criminal case, the United States will dismiss this civil case.

3 This Sealed Ex Parte Application is made and is based on this Application and the attached
4 Memorandum of Points and Authorities.

5 DATED this 26th day of June, 2015.

6 DANIEL G. BOGDEN
7 United States Attorney

8 /s/ Daniel D. Hollingsworth
9 DANIEL D. HOLLINGSWORTH
10 Assistant United States Attorney
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 On or about January 14, 2014, \$50,556.65 in United States Currency was seized from Bank of
4 America, account number 501015679158, in the name of JAL Capital Trust, Myungnam Jung, Trustee,
5 located at 920 North Martin Luther King Boulevard, Las Vegas, Nevada 89106 with a judicially
6 approved and issued civil seizure warrant.

7 The \$50,556.65 in United States Currency was subject to administrative summary forfeiture
8 proceedings; however, James Jariv filed an administrative claim on or about April 9, 2014.

9 Nathan Stoliar and James Jariv have pled guilty to the Indictment. Nathan Stoliar was sentenced
10 on April 9, 2015. James Jariv is scheduled for sentencing on August 5, 2015. Once James Jariv is
11 sentenced in his criminal case, the United States will dismiss this civil case.

12 **II. ARGUMENT**

13 This Court should grant this application for an extension of time to file a Civil Complaint For
14 Forfeiture In Rem of the \$50,556.65 in United States Currency because counsel for James Jariv has
15 agreed. LR 6-1; 18 U.S.C. § 983(a)(3)(A).

16 [T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental
17 Rules for Certain Admiralty and Maritime Claims ... , a court in the district in which a complaint
18 will be filed may extend the period for filing a complaint for good cause shown or upon
agreement of the parties.”

19 18 U.S.C. § 983(a)(3)(A).

20 The filing of a Civil Complaint For Forfeiture In Rem, pursuant to 18 U.S.C. § 983, starts a civil
21 forfeiture in rem action that is new and is separate from the criminal prosecution. A district court has the
22 authority under 18 U.S.C. § 983(a)(3)(A) to extend the period of time to file a Civil Complaint For
23 Forfeiture In Rem based on the agreement of the parties. Doing otherwise could cause interference with
24 the criminal prosecution.

25 On June 25, 2015, James Jariv’s counsel, Tim Johnson, agreed to the extension of time and
26 authorized counsel for the United States to file this unopposed motion with this Court. Because the

1 parties have agreed that the United States should be allowed an extension of time to file its In Rem
2 Complaint, the government respectfully asks this Court to grant its motion pursuant to 18 U.S.C. §
3 983(a)(3)(A).

4 This Application is not submitted solely for the purpose of delay or for any other improper
5 purpose.

6 **II. CONCLUSION**

7 This Court should grant an extension of time to and including January 8, 2016, for the United
8 States to file a Civil Complaint For Forfeiture In Rem of the \$50,556.65 in United States Currency under
9 18 U.S.C. § 983(a)(3)(A) because both parties agreed to the extension.

10 DATED this 26th day of June, 2015.

11 Respectfully submitted,

12 DANIEL G. BOGDEN
13 United States Attorney

14 /s/ Daniel D. Hollingsworth
15 DANIEL D. HOLLINGSWORTH
16 Assistant United States Attorney

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19 IT IS SO ORDERED:

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23 UNITED STATES DISTRICT JUDGE

24 DATED: June 30, 2015
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